

रजिस्टर्ड नं० पी० ४६१.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, ११ अक्टूबर, १९७३/१९ आश्विन, १८९५

GOVERNMENT OF HIMACHAL PRADESH

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-2, the 4th August, 1973

No. 1-3/70-LSG.—In exercise of the powers conferred by sections 255 and 273 of the Himachal Pradesh Municipal Act, 1968, the Governor, Himachal Pradesh is pleased to make the following rules entitled as the Himachal Pradesh Municipal Works Rules, 1973, the same having been previously published in the Official Gazette.

११६४-गजट ११-१०-७३—६६९.

(१५४९)

मूल्य: २० पैसे

RULES

Short title
and
commence-
ment.

1. (i) These Rules may be called the Municipal Works Rules, 1973.
- (ii) They shall come into force with immediate effect.
- (iii) They shall also apply *mutatis mutandis* to Simla Municipal Corporation or any other Municipal Corporation constituted under any other enactment made in this behalf.

Definitions

2. In these rules, unless different intention appears from the subject or context, the expression:—

- (a) the "Act" means the Himachal Pradesh Municipal Act, 1968;
- (b) "Administrative approval" means a pronouncement by the authority empowered by these rules that a project work is suitable and desirable;
- (c) "Committee" means a Municipal Committee or Notified Area Committee established by or under the Himachal Pradesh Municipal Act, 1968;
- (d) "Electricity Board" means the Himachal Pradesh State Electricity Board;
- (e) "Electrical Engineer" means a Chief Engineer or an Executive Engineer of the Himachal Pradesh State Electricity Board or Executive Engineer (Electrical), Himachal Pradesh Public Works Department;
- (f) "Electrical Works" and "Electrical projects" include all works and projects for the generation distribution or utilization of electrical energy for any purpose except the transmission of a message;
- (g) "Municipality" means Municipal Committee or Notified Area Committee or Municipal Corporation;
- (h) "Sanitary projects" and "Sanitary works" respectively, includes all projects and works—
 - (i) connected with the collection, storage, protection, supply, distribution and regulation of water for drinking and flushing;
 - (ii) connection with drainage, sewerage or the utilization of sewerage;
 - (iii) connection with the regulation of the sanitation of streets, slaughter houses, markets, lodging houses, serais, bathing ghats, and other public places ; or
 - (iv) subsidiary to or connected with or relating to the construction and maintenance of water and flood and drainage channels and sewerage and street gutters;
- (i) "State Government" means the Government of Himachal Pradesh;
- (j) "Technical Sanction" means the sanction of the authority empowered by these rules to the detailed plans and estimates of a projected work;
- (k) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

Classifica-
tion of co-
mmittes.

3. For the purposes of these rules every Municipality shall be deemed to belong to the class notified under sub-section (6) of section 4 of the Act:

Provided that for the purpose of grant or technical sanction the State Government shall have power after consulting the Municipality to reduce a first class municipality to the second class in the event of its entertaining an inadequate engineering staff.

4. (i) No original work shall be undertaken by a first class Committee if it involves an expenditure exceeding Rs. 50,000 or by a second class Committee, if it involves an expenditure exceeding Rs. 25,000, without the administrative approval of higher authority.

(ii) If the proposed expenditure exceeds Rs. 50,000 but does not exceed rupees one lac in the case of sanitary works, the administrative approval of the Superintending Engineer, Himachal Pradesh Public Works Department, shall be obtained. With regard to other works in the case of Municipal Committees of the first class for works costing more than Rs. 50,000 and in the case of Municipal Committees of the second class for works costing more than Rs. 25,000 the administrative approval of the Government in the Local Self Government Department shall be obtained. If the proposed expenditure is Rs. 50,000 or less or Rs. 25,000 or less, as the case may be, the higher authority whose administrative approval is required under sub-rule (i) shall be the Deputy Commissioner.

(iii) Before according such administrative approval the authority concerned shall satisfy itself by a reference to Government in the Local Self Government Department or otherwise that—

- (a) funds for the execution of the work are likely to be forthcoming within the next two years; and
- (b) funds to an amount approved by the authority according technical sanction are likely to be forthcoming annually for maintenance after completion of the work.

5. (i) In cases other than those provided for by rules 4 and 10 no original work shall be undertaken by a Committee until administrative approval has been accorded to the work by formal resolution of the committee which shall expressly state that it will be in a position to provide money also for their maintenance.

(ii) No Committee shall accord administrative approval to an original work unless such rough estimates and plans have been submitted to it as may be required by the authority whose technical sanction to the work is necessary under these rules.

(iii) Before according such administrative approval the committee shall satisfy itself that—

- (a) funds for the execution of the work are likely to be forthcoming within the next two years, and
- (b) funds to an amount approved by the authority according technical sanction are likely to be forthcoming for annual maintenance after completion of the work.

6. Whenever the alignment of a new municipal roads, drain, etc., passes close to or involves any alteration to, or diversions of, pre-existing railways and other roads not belonging to Municipal Corporation/Committee/Notified Area Committee, or interferes with any works or land pertaining to the same, the written consent of the authorities incharge of such railways and roads to the proposed construction of the new Municipal Committee roads, drains, etc., shall be obtained before any work thereon is taken in hand.

7. (1) No original work shall be undertaken by a first class Committee if it involves an expenditure exceeding thirty thousand or by a second class Committee if it involves an expenditure exceeding fifteen thousand rupees, unless the technical sanction of the competent authority has previously been obtained as provided in sub-rule(2).

(2) The authority competent to grant technical sanction for an original work shall be:—

Limitation of committees, power of administrative approval.

Administrative approval.

Procedure for alignment adjoining railway line.

Powers for execution of original work.

(a) in the case of electrical works Executive Engineer (Electrical) Himachal Pradesh Public Works Department, or the Executive Engineer, Himachal Pradesh State Electricity Board, who will as a matter of principle obtain the advice of the Chief Engineer/ Superintending Engineer, Himachal Pradesh State Electricity Board before giving technical sanction for the amount indicated below:—

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|---|---|
| (i) Chief Engineer, Himachal Pradesh State Electricity Board. | Full powers. |
| (ii) For works exceeding Rs. 50,000 but does not exceed rupees one lac. | Superintending Engineer, Himachal Pradesh State Electricity Board. |
| (iii) For works upto Rs. 50,000 | Executive Engineer, Himachal Pradesh State Electricity Board/Municipal Engineer not below the rank of Executive Engineer. |

(b) In case of sanitary, roads and buildings works (civil works) powers shall be as under:—

- | | |
|---|--|
| (i) Chief Engineer, Himachal Pradesh Public Works Department. | Full powers. |
| (ii) Superintending Engineer, Himachal Pradesh Public Works Department. | Above Rs. 50,000 but below Rs. 1,00,000. |
| (iii) Executive Engineer, Himachal Pradesh Public Works Department/Municipal Engineer not below the rank of Executive Engineer. | Upto Rs. 50,000. |

The above powers in sub-rule 2(b) shall be exercised by the various authorities of the Public Works Department provided the amount does not exceed more than 5% of the administrative approval issued by the competent authority. For excess of more than 5% he shall take prior approval of higher authority empowered to give technical sanction under these rules:

Provided that if Government standard plans and rates approved by the Executive Engineer are adopted by the Committee for any work other than an electrical or sanitary work it shall not be necessary to obtain technical sanction for work:

Provided further that as and when the above powers delegated to the State officers are enhanced/alterd for the State Works of the competent authority, the enhanced/alterd powers shall automatically be applicable to the issue of technical sanction by various officers of the State Public Works Department to Municipal works.

(3) The Committee shall be bound during the execution of a work falling under sub-rule (1) or sub-rule (2) of the rule, to give effect to all modification and to conform to all conditions imposed by the sanctioning authority with regard to such work.

(4) The State Government may, in the case of any Committee, on such conditions as it may deem fit to prescribe and for a period not exceeding three years, raise by notification the limits of expenditure prescribed in clause (1) and (2) of this rule.

8. (1) If the detailed estimates of any project when prepared exceed the amount administratively approved by 10 per cent, or if it becomes apparent during the execution of any work that the amount administratively approved will be exceeded by 10 per cent or more owing to increase of rates or other causes, the revised administrative approval of the competent authority to the increased expenditure shall be obtained without delay. Similarly, revised administrative approval shall be obtained to important modifications of the proposals originally approved even though the cost thereof may be covered by savings on other items.

Revised administrative approval.

(2) Administrative approval requires renewal, if funds have not been appropriated to the work or scheme in question in either of the two budgets succeeding the date of the original approval.

Example.—An administrative approval given to a work in the year 1968-69 ceases to be operative on 31st March, 1970, and requires renewal unless the work finds a place in the budget voted for 1969-70 or 1970-71 or had funds appropriated to it by an additional grant in 1969-70.

9. If the State Government, is to contribute any portion of the cost of a work, administrative approval and technical sanction shall be accorded by the State Government in respective departments, anything to the contrary in these rules notwithstanding.

Savings

10. In cases other than those provided for in rules 7 and 9 no original work shall be undertaken by a Committee without the technical sanction of the Municipal Engineer, or if there is no Municipal Engineer, of such persons as the State Government may appoint in this behalf.

11. No Committee shall enter into any agreement with any Electrical Company other than the State Electricity Board for the purchase of electrical energy or for the supply of any material or the maintenance of any works for the purpose or relating to the supply of such energy, unless the terms on which such energy or such material is to be supplied or such works are to be maintained by such company have been approved by the State Government, and every application for such approval shall be forwarded to the State Government through the Deputy Commissioner and the Executive Engineer, Himachal Pradesh State Electricity Board or the Executive Engineer (Electrical), Himachal Pradesh Public Works Department.

12. (1) Administrative approval under these rules, in respect of water works and electrical works, shall not be accorded unless the Committee has created a depreciation fund and shall credit to such fund from its revenue, such amount as would, if made annually throughout the prescribed period of assets specified in tables I and II given below and accumulated at compound interest at the rate of three per cent per annum, produce by the end of the prescribed period an amount equal to 90 per cent of the original cost of the asset after taking into account the sum already written off and set aside in the books of the Committee:

Provided that within three months from the date these rules come into force, a Committee may elect to adopt the straight line method of depreciation accounting in lieu of the compound interest method above prescribed.

Explanation.—Straight line methods of depreciation accounting mean the methods whereby an allowance is made every year in respect of depreciation of fixed assets employed in the business of such an amount as it arrived at by dividing ninety per cent of the original cost of the asset by the prescribed period in respect of such assets.

(2) The depreciation fund shall be applicable only to the purpose for which it is created:

Provided that the Committee may for reasons to be recorded in writing and with the previous sanction of the State Government, apply it to any other purpose to which the municipal fund is applicable under section 51 of the Act.

TABLE I

<i>Description of Assets</i>	<i>Period in years</i>
Land for Major Works	.. Eighty.
Other purposes	.. Sixty .
Building and structures:	
Service reservoirs	.. Fifty.
Storage reservoirs	.. Fifty.
Weirs and intakes	.. Thirty.
Boreholes and pumping stations	.. Thirty.
Aqueducts	.. Sixty.
Gravity filters	.. Fifty.
Plant and machinery:	
Water softening plant	.. Fifteen.
Pumping machinery and boilers metres	.. Fifteen.
Mains metres	.. Fifteen.
Leading or trunk mains	.. Forty.
Distribution or service mains	.. Thirty.
Aqueducts and pipe-lines	.. Forty.

TABLE II

A—Land owned under full title	.. Indefinitely.
B—Land held under lease—	
(a) For investment in the land	.. The period of the lease or the period remaining un-expired on the assignment of the lease.
(b) For cost of clearing site	.. The period of the lease remaining un-expired at the date of clearing the site.
(c) Assets purchases new—	
(a) Plant and machinery in generating stations, including plant foundations:—	
(i) Hydro electric	.. Thirty-five.
(ii) Steam electric	.. Twenty-five.
(iii) Diesel electric	.. Fifteen.
(iv) Cooling towers and circulating water system.	Thirty.
C—Hydraulic works forming part of hydro electric system, including:—	
(i) Dams, suppilway, weirs, cannals, re-inforced concrete, flumes and syphons.	One hundred.
(ii) Re-inforced, concrete pipe lines and	Forty.

surge tanks, steel pipelines, sluiceways,
steel surge tanks, hydraulic control
valves and other hydraulic works.

**D—Buildings and Civil Engineering works of
a permanent character, not mentioned
above—**

- | | | |
|--|----|-----------------------|
| (i) Offices and show rooms | .. | Fifty to sixty years. |
| (ii) Containing thermo electric generating
plant. | | Thirty-five. |
| (iii) Containing hydro electric generating
plant. | | Thirty-five. |
| (iv) Temporary erections such as wooden
structures. | | Five. |
| Roads other than kutcha roads | .. | One hundred. |
| (v) Others | .. | Fifty. |

**E—Transformers, transformerkioks, Sub-
station equipment and other fixed ap-
paratus (including plant foundations):—**

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|---|----|--------------|
| (i) Transformers (including foundations)
having a rating of 100 kilovolts
amperes and over. | | Thirty-five. |
| (ii) Others | .. | Fifty. |

F—Switchgear, including cable connections .. Twenty.

G—Lighting arrestors:—

- | | | |
|------------------------------|----|--------------|
| (i) Station type | .. | Twenty. |
| (ii) Pole type | .. | Fifteen. |
| (iii) Synohronous contensers | .. | Thirty-five. |

H—Batteries:—

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|--|----|--------------|
| (i) Underground cables including joint
boxes and disconnecting boxes. | | Forty. |
| (ii) Cable duct system | .. | Sixty. |
| (iii) Over head lines including supports:— | | |
| (a) Lines on fabricated steel supports
operating at nominal voltage higher
than 60 kilowatts. | | Thirty-five. |
| (b) Lines on steel supports operating at
nominal voltage higher than 31.2
kilovolts but not exceeding 66
kilovolts. | | Thirty. |
| (c) Lines on steel or reinforced concrete
supports. | | Twenty-five. |
| (d) Lines on treated wood supports | .. | Twenty-five. |
| (e) Batteries | .. | Ten years. |

J—Metres .. Fifteen.

K—Self propelled vehicles .. Seven.

L—Static machine tools .. Twenty.

M—Air conditioning plant:—

- | | | |
|-------------------------|----|----------|
| (i) Static | .. | Fifteen. |
| (ii) Portable equipment | .. | Seven. |

- | | | |
|--|----|----------|
| N—(i) Office furniture and fittings | .. | Twenty. |
| (ii) Office equipment | .. | Ten. |
| (iii) Internal wiring including fittings and
apparatus. | | Fifteen. |

(iv) Street lighting fittings	..	Fifteen.
O—Apparatus lent on hire—		
(i) Other than motors	..	Seven.
(ii) Motors	..	Twenty.
P—Communication equipment:		
(i) Radio and high frequency carrier system.		Fifteen.
(ii) Telephone lines and telephones	..	Twenty.
Q—Assets purchases second hand and assets not otherwise provided for in this table.		Such reasonable period as the competent authority determines in having regard to the nature, age and condition of the assets at the time of its acquisition by the owner.

Grant-in-aid.

13. (i) Every application from Committee for a grant-in-aid for an original work shall be submitted with a copy of the order of administrative approval, or with an application for administrative approval, as the case may be, through the Deputy Commissioner, to the Secretary, L.S.G. to Himachal Pradesh Government.

(ii) No such grant-in-aid shall be credited to the municipal fund until the prescribed administrative approval and technical sanction is accorded to the work for which the grant-in-aid is sought:

Provided that the Executive Engineer, Himachal Pradesh Public Works Department may credit a grant-in-aid in advance of technical sanction if for any special reasons it deems it advisable to begin the work on the rough project.

(iii) The Committee shall not permit a work for which a grant-in-aid has been promised or given to be started without the previous sanction of the authority which has promised or given the grant-in-aid.

Qualification of municipal engineer.

14. (1) No person shall be appointed as Municipal Engineer if he does not possess the following minimum qualifications:—

(a) in the case of a first class Committee such qualifications as are prescribed by the local Government for the recruitment of officers to the Executive Engineer, Himachal Pradesh Public Works Department (B&R), Executive Engineer, Himachal Pradesh State Electricity Board and in addition five years professional standing;

(b) in the case of second class Committee such qualifications as are prescribed by the local Government for recruitment of officers to the rank of Assistant Engineer, Himachal Pradesh Public Works Department (B&R), and Himachal Pradesh State Electricity Board and in addition two years professional standing.

(2) At the time of giving approval to the appointment of Municipal Engineer, the local Government may subject to such conditions as it may prescribe, permit a Municipal Committee to appoint a person who does not possess the qualifications prescribed in sub-rule (1) of these rules:

Provided that nothing contained in this rule shall apply to temporary appointment as Municipal Engineer of any person for a period of not exceeding in aggregate 3 months.

Explanation.— The professional standing required for Municipal Engineers shall not include any period prior to the attainment of the necessary academic qualifications.

(3) No person shall be appointed as Overseer in a Committee unless he has passed the Overseer's examination from any technical institution recognised by the Public Works Department (B&R) and Department of M.P.P. and Power, Himachal Pradesh for appointment of Overseer:

Provided that a Committee, with the prior approval of the Deputy Commissioner, may in special circumstances to be recorded in writing appoint any person, who does not possess any of these qualifications but does possess adequate experience.

15. No person shall be appointed by a Committee to any office connected with sanitary or other works, other than the office of Municipal Engineer the proper discharge of which requires the exercise of professional skill if he does not possess such qualifications as the local Government may, from time to time by general or special order, prescribe.

Qualifications of other engineering staff.

16. (1) Preliminary surveys, plans, specifications and estimates for works shall ordinarily be prepared by the Municipal Engineer.

Preparation of preliminary plans etc.

(2) When a Committee resolves not to employ its own permanent agency for the preparation of the preliminary surveys, plans, specifications and estimate for any project, which requires the administrative approval of higher authority under these rules, it shall apply to that authority for the necessary professional staff to prepare all preliminary surveys, plans, specifications and estimates.

▲ (3) When the alignment of a new municipal road, drain, etc. passes close to or involves any alterations to, or diversion of pre-existing railways or roads not belonging to Municipal Committee, or interferes with any work or land pertaining to the same the Municipal Committee shall during the survey ascertain the view of authorities in charge of such railways and roads and also enquire from them whether they contemplate undertaking any work which would affect the proposed road, drain, etc. If it is found that such a work is contemplated, the estimates and plans for the municipal roads, drains, etc., shall contain a provision for necessary additions and alterations.

17. (1) If technical sanction to a project is within the powers of the Municipal Engineer, he shall be deemed competent to prepare the detailed surveys, plans, specifications and estimates and execute the work.

Preparation of detailed plans and execution of works.

(2) If the technical sanction of higher authorities required, the Committee may resolve to work through its own engineering staff and shall in that case obtain a written certificate from the Superintending Engineer, Himachal Pradesh Public Works Department (B&R), in the case of Sanitary and other works and from the S. E., Himachal Pradesh State Electricity Board in the case of the electrical works, to the effect that the said staff is competent to prepare the detailed plans, specifications, surveys and estimates and to execute the work.

(3) If the certificate required under sub-rule (2) of this rule is not given the Committee shall have the said surveys, plans, specifications and estimates carried out by the S. E. concerned as the case may be, or by some person or persons nominated by them and it shall not employ any other agency without their previous consent in writing.

18. The Committee, shall pay to the Government on account of services rendered by officers of the Public Works Department including the S.E.

and the Engineers of the Himachal Pradesh State Electricity Board the fees detailed in the following table, namely:—

Description of work	If the estimated cost of the work is less than Rs. 10,000	If the estimated cost of the work is from Rs. 10,000 to 29,999	If the estimated cost of the work is Rs. 30,000 or over
For visiting a site and giving advice preparatory to design.	Travelling allowance according to Government rules plus a fee of Rs. 50 for each day or part of a day.		
For the preparation of preliminary plans and estimates by cubic measurement or otherwise.	1½ per cent of the estimated cost.	1 per cent of the estimated work.	¾ per cent of the estimated cost.
For the preparation of general drawing plans, estimates, elevations, sections and specifications.	1½ per cent of the estimated cost.	1 per cent of the estimated cost.	¾ per cent of the estimated cost.

19. The Committee shall pay to the Government on account of services rendered by the Town Planner and Architect, Himachal Pradesh Public Works Department (B&R) the fees detailed in the following table, namely:—

Description of work	If the estimated cost of the work is less than Rs. 10,000	If the estimated cost of work is Rs. 10,000 or more but less than Rs. 30,000	If the estimated cost of work is Rs. 30,000 or more
For visiting a site and giving advice preparatory to design or during execution of work.	Travelling allowance according to Government rules plus a fee of Rs. 50 for each day/part of a day.		
For preparation of preliminary plans and estimates by cubic measurements or otherwise.	2½ per cent of the estimated cost.	1½ per cent of the estimated cost.	1½ per cent of the estimated cost.
For the preparation of general plans, elevations, sections and specifications.	2½ per cent of the estimated cost.	1½ per cent of the estimated cost.	1½ per cent of the estimated cost.

For the preparation of half inch full size and other detailed drawings.	2½ per cent of the estimated cost.	1½ per cent of the estimated cost.	1¼ per cent of the estimated cost.
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20. For the purposes of these rules Notified Area Committees will be treated as Class II Municipality:

Provided that it has adequate engineering staff at its disposal.

21. Any rule corresponding to these rules in force immediately before the commencement of these rules and applicable to the municipalities to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been taken or made under the corresponding provisions of these rules.

Applicability of those rules to N.A.C.

Repeal and savings.

By order,
P. K. MATTOO,
Secretary.

